



Commonwealth  
of Massachusetts

## *OCPF Online*

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*Office of Campaign and Political Finance*

*One Ashburton Place, Room 411*

*Boston, MA 02108*

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### Advisory Opinion

September 29, 2004

AO-04-16

Pamela K. Tatlow-Doucette  
18 Oak Hill Road  
Waltham, MA 02451

Re: Political activities of public employee

Dear Ms. Tatlow-Doucette:

This letter is in response to your September 13 request for guidance regarding the extent to which M.G.L. c. 55, § 13 prohibits a public employee, who is the spouse of an elected official, from engaging in political fundraising.

You have stated that you are seeking employment with the City of Waltham's Law Department as a Legal Secretary. Your husband, Kenneth B. Doucette, is an elected City Councilor in Waltham. You have been the campaign treasurer of his political committee since it was formed in 1999. You understand that you will need to resign your position as treasurer if you become a public employee. You are uncertain, however, as to what other activities you may or may not be allowed to perform for your husband's committee once you are a public employee.

#### QUESTIONS

(1) As a public employee, will you continue to be able to be involved in the following activities on behalf of the committee:

- o Preparing disclosure reports
- o Printing labels
- o Data entry
- o Stuffing envelopes and assisting with mailings
- o Setting up for fundraisers by inflating balloons, hanging signs, and similar work
- o Attending other fundraisers as a spouse of the candidate
- o Being named on literature as the spouse of the candidate

*Answer: Yes, you can perform these activities while a public employee since they do not involve direct or indirect fundraising.*

(2) Is there a waiting period between your resignation as treasurer of your husband's political committee and when you can accept employment as a municipal employee?

*Answer: No. There is no required waiting period.*

#### DISCUSSION

Section 13 of the campaign finance law states that “no person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive” money or anything of value for a political purpose. This provision of the campaign finance law, in combination with several others, reflects the goal of “assuring the fairness and appearance of fairness in the electoral process” by removing non-elective public employees from political fundraising. See Anderson v. City of Boston, 476 Mass. 178, 186-193 (1978).

The office has stated that to ensure compliance with Section 13, public employees should not engage in activities that would lead a reasonable person to conclude that the public employee is or may be soliciting funds for a political purpose. See AO-93-10, in which the office defined “indirect” solicitation or receipt by stating that “what the public employee can not do directly (ask a friend for a contribution) can not be done in a ‘roundabout’ or indirect manner (help someone else to ask the employee’s friend).”

To avoid direct or indirect solicitation or receipt of contributions, the office has stated that public employees may not:

- o Serve as treasurers of political committees;
- o Solicit or collect political contributions;
- o Host political fundraisers;
- o Sell tickets to or collect money for a political fundraiser;
- o Allow their names to be used to endorse candidates or ask for contributions in fundraising materials;
- o Allow their names, or their anticipated appearance at a fundraiser, to be used as a draw to collect contributions or sell tickets to that fundraiser; or
- o Help identify people to be targeted for fundraising, including people who might volunteer to work on fundraising.

On the other hand, however, public employees, on their own time, may choose to assist campaigns or political committees by doing clerical work, making non-fundraising calls, or serving as a member of a political committee in any non-fundraising capacity. Public employees may also contribute to candidates, attend fundraisers, hold signs urging a vote for a candidate, or help committees or candidates in other ways that do not involve the public employees in fundraising. See IB-92-01.

Regarding your specific questions, the office has previously stated that public employees may assist campaigns by entering and processing financial data, and by completing campaign finance reports. See AO-88-25. Public employees may also attend fundraisers, provided they are not involved in soliciting or collecting funds at the event. See AO-90-28.

As a general rule, non-elected public employees should not be named on fundraising materials prepared on behalf of a candidate or committee. Being named in such materials as spouse of a candidate should be considered an exception to the rule, however, if given the context of the material, it appears that your name is used for the purpose of providing relevant personal background concerning the candidate.

The remaining activities listed in your letter (preparing labels, stuffing envelopes, setting up for fundraisers) may best be characterized as “clerical” or routine administrative tasks that are sufficiently removed from actual solicitation or receipt. A reading of Section 13 prohibiting these activities would be overly broad and is not necessary to achieve the statute’s purpose of furthering the fairness and appearance of fairness in the electoral process.

With regard to your second question, there is no “waiting period” between your resignation as treasurer of the political committee and when you can accept employment as a municipal employee.

Please note that this opinion is issued solely within the context of the campaign finance law based on the representations made in your letter. I encourage you to contact us in the future if you have further questions regarding this or any aspect of the campaign finance law.

Sincerely,

A handwritten signature in cursive script, reading "Michael J. Sullivan", followed by a vertical line.

Michael J. Sullivan  
Director

MJS:gb